

## **FINAL STATEMENT OF REASONS**

### **1. MODIFICATIONS**

The Department of Mental Health made modifications to the original "Notice of Proposed Rulemaking". See item 4. *Summary of Comments and DMH Responses and Modifications* for a description.

### **2. DATA, STUDIES, AND REPORTS ON WHICH AGENCY RELIED**

The Department has not added any additional documents to the rulemaking file subsequent to publication of the "Notice of Proposed Rulemaking."

### **3. DETERMINATIONS**

#### **Local Mandate**

The regulations would not impose a mandate on local agencies or school districts, nor are there any savings or costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

#### **Consideration of Alternatives**

In accordance with Government Code Section 11346.5(a)(12), the Department has determined that no alternative considered by the Department would be more effective in carrying out the purpose for which the action was taken or would be as effective and less burdensome to affected private persons than this action.

### **4. FEDERAL LAWS and REGULATIONS**

Not applicable

### **5. SPECIAL VIDEO- and TELECONFERENCES**

DMH held video- and teleconferences with Headquarters staff, facility staff, Office of Patients' Rights staff, and patient representatives. The objectives of these meetings included:

1. A description of the rulemaking process.
2. Review how patients may submit comments.
3. Draft training protocols for implementation.

The meeting minutes are located in **Attachment A**.

## **6. SUMMARY of PUBLIC COMMENTS, DMH RESPONSES and MODIFICATIONS**

### **Originally Proposed Rulemaking**

The Department provided for a 45-day public comment period, beginning May 17, 2002 and ending July 2, 2002. DMH received public comments (oral and written). These comments and the DMH responses are detailed in **Attachment B** of this document.

### **First Set of Post-Hearing Modifications**

The Department provided for a 15-day public comment period: January 16, 2003 through January 31, 2003. DMH received written public comments. These comments and the DMH responses are detailed in **Attachment C** of this document.

### **Second Set of Post-Hearing Modifications**

The Department provided for a second 15-day public comment period: March 13, 2003 through April 1, 2003. DMH received written public comments. These comments and the DMH responses are detailed in **Attachment D** of this document.

Please note that this second set of post-hearing modifications specifically reflects modifications resulting from the public comments generated from the *First Set of Post-Hearing Modifications*. This document was assembled in this manner to assist the Non-LPS patients in understanding the nature of the second set of modifications.

### **Office of Small Business Advocate and Technology, Trade and Commerce Agency**

In accordance with Section 11347.6 of the Government Code, DMH shall separately identify comments made by the Office of Small Business Advocate and the Technology, Trade and Commerce Agency. In addition, DMH shall separately respond to these comments. DMH has not identified any comments in accordance with this requirement.